

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TAMING TING JR.,
Defendant.

Case No. 3:16-cr-00113-TMB-SAO

**FINAL REPORT AND
RECOMMENDATION OF THE
MAGISTRATE JUDGE ADMISSION
TO VIOLATIONS**

Upon Defendant's request to enter an admission, pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3583, to Violations 1 and 3 of the Amended Petition [Doc. 80], this matter came before the Magistrate Judge, with the consent of the Defendant, counsel for Defendant, and counsel for the United States for a hearing on Defendant's admission, in open court and on the record.

In consideration of that hearing and the colloquy made by the Defendant under oath, on the record, in the presence of counsel, and the remarks of the Assistant United States Attorney,

A. I make the following FINDINGS – that the Defendant understands:

- ☒ That any false statements made by the Defendant under oath may later be used against him in a prosecution for perjury;
- ☒ The nature of the allegations against the Defendant;
- ☒ The right to deny the allegations;
- ☒ The right to be represented by counsel and, if necessary, to have the court appoint counsel at proceedings, and at every other stage of the proceedings.
- ☐ The consequences of not being a United States citizen;
- ☒ The maximum statutory penalties and advisory guideline range pursuant to the Sentencing Guidelines that may be imposed by the District Judge, including imprisonment, fine, and supervised release;
- ☒ The right to an evidentiary hearing;
- ☒ The right to appeal the findings from an evidentiary hearing; and
- ☒ Waiver of the right to an evidentiary hearing and appellate rights.

B. I further FIND that:

1. The Defendant is competent to enter informed admissions;
2. The Defendant is aware of his rights and has had the advice of legal counsel;
3. That the admissions by the Defendant have been knowingly and voluntarily made and are not the result of force, threats, or coercion; and
4. That there is a factual basis for the Defendant's admission to each of the allegations.

C. I RECOMMEND that the District Court accept the Defendant's admission to Violations 1 and 3 of the Amended Petition [at Dkt. 80] and set a disposition hearing.

D. IT IS ORDERED:

The Disposition hearing will be before United States District Judge Timothy Burgess at a date and time to be issued.

DATED this 10th of April at Fairbanks, Alaska.

s/ Scott A. Oravec
SCOTT A. ORAVEC
United States Magistrate Judge

This Report and Recommendation is being issued as a Final Report and Recommendation. Pursuant to Fed. R. Crim P. 59(b)(3), any objections will be considered by the District Court Judge who will accept, reject, or modify the recommendation following de novo review. Any objections must be filed within **five (5) days** from the date of service of this Report and Recommendation. **Fed. R. Crim P. 59(b)(2) and D. Ak. L.M.R. 6(a) authorizes the court to alter the standard objection deadlines.**

Reports and recommendations are not appealable orders. Any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment. *See Hilliard v. Kincheloe*, 796 F.2d 308 (9th Cir. 1986).